

REQUEST FOR JUDICIAL NOTICE

EXHIBIT D

DEPARTMENT
FinanceBILL NUMBER
SB 98AUTHOR
Lockyer, et al.AMENDMENT DATE
September 4, 1991SUBJECT

This bill would a) require the State Bar to include a specified civil rights course as part of the curriculum for its mandatory education program, b) amend and propose more severe monetary and felony prison term penalties for any person who prevents another from enjoying specified freedoms, rights, or privileges as established by the laws or constitution of the State or the United States, c) allow the court to require a misdemeanor, convicted of specified discrimination crimes, to participate in a specified race or ethnic sensitivity class or program as a part of probation, and d) expand current law to add specified discrimination crimes to the list of crimes for which specified victim information may not be disclosed by state or local law enforcement agencies.

SUMMARY OF REASONS FOR SIGNATURE

This bill would revise various civil and criminal penalties in an effort to discourage persons from committing various civil rights violations.

HISTORY, SPONSORSHIP, AND RELATED BILLS

Assembly: 52/23

Senate: 32/0

Related Bills: AB 1169, AB 1681, and AB 1009

FISCAL SUMMARY--STATE LEVEL

Code/Department Agency or Revenue Type	SO LA CO RV SO	(Fiscal Impact by Fiscal Year) (Dollars in Thousands)						Code Fund 001/GF
		PROP 98	FC	1991-92	FC	1992-93	FC	
5240/Corrections	SO			--		--	C	*

* Indeterminable

ANALYSISA. Specific Findings

Under current law, Business and Professions Code Section 6070, the State Bar must request the California Supreme Court to authorize the State Bar to establish and administer a continuing legal education program, whereby all active State Bar members would be required to complete at least thirty-six

(Continued)

RECOMMENDATION:

Department Director

Date

Sign the Bill.

Principal Analyst
(233) M. Ewing

Date

9/17/91

Program Budget Manager
S. Calvin Smith

Date

9-17-91

Governor's Office

Position noted

Position approved

Position disapproved

by:

date:

CJ:BA, SB98-1.HSC

ENROLLED BILL REPORT

Form DF-43 (Rev 09/88 Pink)

BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)

Form DF-43

AUTHOR

AMENDMENT DATE

BILL NUMBER

Lockyer, et al.

September 4, 1991

SB 98

ANALYSIS

A. Specific Findings (Continued)

course hours of legal education through the program within a designated 36-month period. Current law further specifies that eight of the thirty-six course hours must be dedicated to legal ethics or law practice management courses.

This bill would specify that one of the eight course hours dedicated to legal ethics or law practice management courses must be dedicated to "civil and criminal remedies available for civil rights violations" courses. This change would have minor impact on the State Bar but should result in no impact to State agencies.

Current law, Civil Code Section 52(b), provides specific monetary fines for any person who commits an act of violence, or intimidation by threat of violence, against a person or his/her property because of his/her race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age disability, or position in a labor dispute.

This bill would a) change the current dollar amount the court or jury may award for actual damages from three times the actual amount to exemplary damages, b) change the amount of the current civil penalty award from \$10,000 to \$25,000, and c) specify that the term actual damages shall mean special and general damages. This proposal would also specify that Civil Code Section 52.1, which defines a related discrimination crime, include, but not be limited to, the damage provisions proposed in Civil Code Section 52(b).

Under current law, Penal Code Section (PC) 422.6, any person who uses force, or the threat of force, to injure, intimidate, oppress, threaten, or interfere with a person's right to enjoy any freedom or privilege established by the laws or constitution of the State or United States, is guilty of a misdemeanor offense punishable by a term not to exceed six months in the county jail.

This bill proposes to increase the county jail term under PC 422.6 from a term not to exceed six months to a term not to exceed one year.

Current law, PC 422.7, provides that any crime not otherwise a felony shall be punishable as an alternative misdemeanor/felony if the crime is committed against a person or his/her property to intimidate or interfere with the person's right to exercise his/her rights under the laws or constitution of the State or the United States because of his/her race, color, religion, ancestry, national origin, or sexual orientation.

This bill would create a new alternative misdemeanor/felony crime by changing the above stated provisions of 422.7 to: a crime committed against a person or his/her property to intimidate or interfere with the person's right to exercise his/her rights under the laws or constitution of the State or the United States; or because of his/her race, color, religion, ancestry, national origin, or sexual orientation. This bill would also add the term disability to the list of discriminatory motives for this offense and reduce the property damage value for which this act is considered a crime from \$1,000 to \$500.

(Continued)